

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, April 10, 2017

CASE NUMBER: C15-2017-0008

<input checked="" type="checkbox"/>	Y	Brooke Bailey
<input checked="" type="checkbox"/>	Y	William Burkhardt
<input checked="" type="checkbox"/>	Y	Eric Goff
<input checked="" type="checkbox"/>	Y	Melissa Hawthorne
<input checked="" type="checkbox"/>	Y	Bryan King
<input checked="" type="checkbox"/>	Y	Don Leighton-Burwell
<input checked="" type="checkbox"/>	Y	Rahm McDaniel
<input checked="" type="checkbox"/>	Y	Veronica Rivera
<input type="checkbox"/>	-	James Valadez Absent
<input checked="" type="checkbox"/>	Y	Michael Von Ohlen
<input checked="" type="checkbox"/>	Y	Kelly Blume (Alternate)
<input type="checkbox"/>	-	Martha Gonzalez (Alternate)
<input checked="" type="checkbox"/>	Y	Pim Mayo (Alternate)

OWNER/APPLICANT: Patricia and William Schaub

ADDRESS: 804 WINFLO DR

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot size for a multi-family residential use from 8,000 square feet (required) to 7,353.87 square feet (requested, existing in order to erect 3 residential units in one structure in a "MF-3-NP", Multifamily Residence Medium Density zoning district. (Old West Austin)

Note: Section 25-2-943 of the Land Development Code permits Substandard Lots for single family use if configured prior to March 14, 1946. The subject lot was configured in 1948 and proposes a multifamily use, therefore the substandard lot section of the Code does not apply. Further, the Old West Austin Neighborhood Plan only provides small lot amnesty for single family use.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to May 8, 2017, Board Member Melissa Hawthorne second on a 11-0 vote; POSTPONED TO MAY 8, 2017.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
 - (b) The hardship is not general to the area in which the property is located because:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

9TH ST FLOODING



From: [Ellen Justice](#)
To: [Heldenfels, Leane](#)
Subject: Old West Austin N"hood Plan adopted by COA; SF compatible; C15-2017-0008/2017-000005
Date: Monday, April 17, 2017 8:49:32 AM
Attachments: [Old West Austin Survey enlarged3.pdf](#)
[Old West Austin Survey.pdf](#)

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Since there is no neighborhood FLUM for Old West Austin (nor for Hyde Park), the best indication we have of neighborhood intent is the attached Historic Resource Survey of June 2000 (produced for the Old West Austin Neighborhood Plan). As highlighted on the close-up Winflo Drive/Pressler Street view, also attached, the now-demolished single family home at 804 Winflo was categorized on this survey as "Not historic, but compatible with neighborhood." Neighborhood planners believed that the single-family use of 804 was consistent with our neighborhood's character.

The 2013 (updated March 2017) COA Neighborhood Plan Recommendations wholly incorporate the Old West Austin Neighborhood Plan from June 2000. It seems that Old West Austin had done the work in 2000 of neighborhood planning that other neighborhoods were producing with the City in 2013.

The second of the thirteen goals of the Old West Austin Neighborhood Plan was to "protect the character of the neighborhood." Since Winflo Drive is almost completely single-family from 802 south toward W. 6th St. (And historically, from 804 south), it will "protect the character" of our street to refuse a variance for a multi-Family use on a substandard lot at 804.

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The SINGLE-FAMILY house demolished in 2015 was "compatible with neighborhood."

LEGEND

- Designated Austin Landmark
- Historic with no significant alterations
- Historic with 1-2 alterations
- Historic with 3-4 alterations (may or may not be designated historic)
- Not historic, but compatible with neighborhood
- Not historic, and not compatible with the original design intent of the neighborhood
- Modern Apartments/Commercial



From: [Chris Schorre](#)
To: [Heldenfels, Leane](#)
Subject: 804 Winflo
Date: Saturday, April 15, 2017 12:48:39 PM
Attachments: [804 Winflo zoning - case SP-2016-0329C.pptx](#)

Leane,

Attached is a PPT file that I would like to become part of the BOA commissioners packet for 804 Winflo. I would also like to have this PPT on screen when I speak in opposition to the case. Do you need actual printouts from me as well? If so, I will drop off color copies in 11x17 format on April 24 when I return from vacation.

Regards,

Chris Schorre
Mobile/text: +1.512.731.1520
chris.schorre@gmail.com

PARK VIEW SUBDIVISION

ZONING CASE: SP-2016-0329C
804 Winflo Drive

Core concern: Allowing 804 Winflo Drive to be developed on a substandard lot size sets precedent for other properties in red to be developed as multi-family even though they are far too small for the zoning they are endowed. Properties in red also ripe for redevelopment.

804 WINFLO - Lot size: 7,354sf



All lot size data pulled from Travis Central Appraisal District website.

614 WINFLO - Lot size: 6,441sf

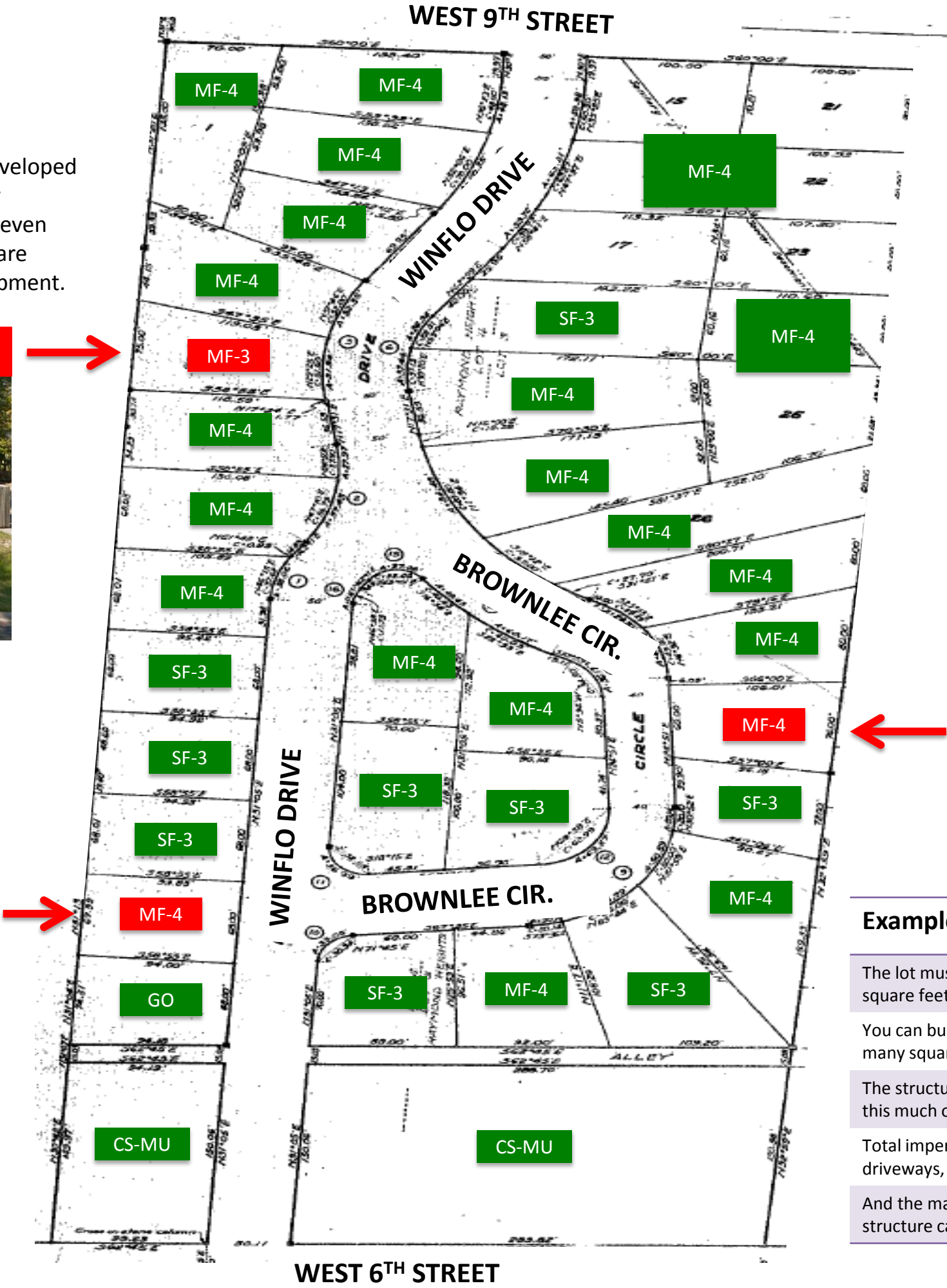


RED

Lot is 600+ square feet under minimum lot size requirements for this zoning.

GREEN

Lot exceeds minimum size requirements or is within 5% of the minimum lot size for MF zoning.



711 BROWNLEE Lot size: 6,914sf



Example for 8,000sf lot	SF-3	MF-3	MF-4
The lot must be at least this many square feet:	5,750	8,000	8,000
You can build a structure up to this many square feet on 8,000sf lot:	3,200	6,000	6,000
The structure itself can cover up to this much of the lot:	40%	55%	60%
Total impervious cover (structure, driveways, etc.) cannot exceed:	45%	65%	70%
And the maximum height of the structure cannot exceed:	32'	40'	60'



804 WINFLO
(Lot now empty)



804 WINFLO

There are no hardships associated with building on this lot.

These properties are immediately north of 804 Winflo. Multifamily development with high amounts of impervious cover (45% for single family vs. 65% for MF-3 zoning) has direct impact on greenery and character of the neighborhood.



Residential Variances: The neighborhood plan supports the requests for variances that are consistent with the front and streetside setbacks defined in the Smart Growth Infill Proposals for Cottage Lots (20 feet and 10 feet respectively). Do not allow modifications that compromise public safety or comfort such as higher than otherwise allowed impervious cover or higher fences.

Rezoning Proposals: This neighborhood has been under great pressure to accommodate commercial uses within its residential core, and is in danger of being eroded from its edges. This could create a self-fulfilling prophecy of residents leaving and commercial uses moving in, and putting pressure on the next tier of residents.

Obj 2.2 – Protect current pattern of single family uses in neighborhood.

Action 6: *If requested by the property owner, allow voluntary zoning rollback on multi-family zoning (on land that currently has single-family uses), by providing a no-cost zoning rollback. The neighborhood has approximately 340 parcels in single-family use with multi-family zoning. This zoning presents a threat to continued single-family uses. (City Action Item: DRID).*

CASE: SP-2016-0329C

804 Winflo Drive

Summary

- 804 Winflo is 650+ square feet under minimum limit for MF zoning.
- Allowing 804 Winflo to be developed as multifamily will set precedent and allow 614 Winflo and 711 Brownlee to be developed same way. Both lots have MF-4 zoning and are 1,086SF and 1,559 SF undersized.
- Neighbors don't want multifamily development to encroach further into core of neighborhood from north and south.
- More impervious cover contributes to "heat island" effect. Less greenery negatives affects character of neighborhood.
- Our neighborhood plan does not recommend multifamily use for this section of our neighborhood



From: **Corsetti, Claudia** Claudia.Corsetti@austintexas.gov
Subject: RE: 804 Winflo Drive proposed triplex, formerly SP-2016-0329c, now C15-2017-0008
Date: April 12, 2017 at 5:12 PM



To: Ellen Justice [REDACTED]
Cc: Rodriguez, Tomas Tomas.Rodriguez@austintexas.gov, Guerrero, Jose Jose.Guerrero@austintexas.gov, McArthur, Karl Karl.McArthur@austintexas.gov

Hello Ellen,

Thank you for your email.

Based on the initial staff assessment, this site appeared to drain to a storm drain system that is undersized and lacks capacity for additional undetailed flows. The Regional Stormwater Management Program is available as an alternative to onsite detention to developments whose increases in runoff will not cause an increase in adverse flood impacts. Since this site is situated in the upper reaches of the drainage areas that feed into an undersized storm drain system, it was determined detention onsite would be the preferred option. Please let us know if you have follow up questions.

Regards,

Claudia

Claudia R. Corsetti, P.E., CFM
Watershed Engineering Division
Watershed Protection Department, City of Austin
505 Barton Springs Drive, 12th Floor, Austin, TX 78704
O: (512) 974-9369 F: (512) 974-9369
Claudia.corsetti@austintexas.gov

-----Original Message-----

From: Ellen Justice [REDACTED]
Sent: Wednesday, April 12, 2017 4:27 PM
To: Corsetti, Claudia <Claudia.Corsetti@austintexas.gov>
Subject: 804 Winflo Drive proposed triplex, formerly SP-2016-0329c, now C15-2017-0008

Dear Ms. Corsetti,

I learned from Tomas Rodriguez that you are the person who probably did the evaluation on this property for RSMP participation.

Would you please let me know why it cannot participate in this program?

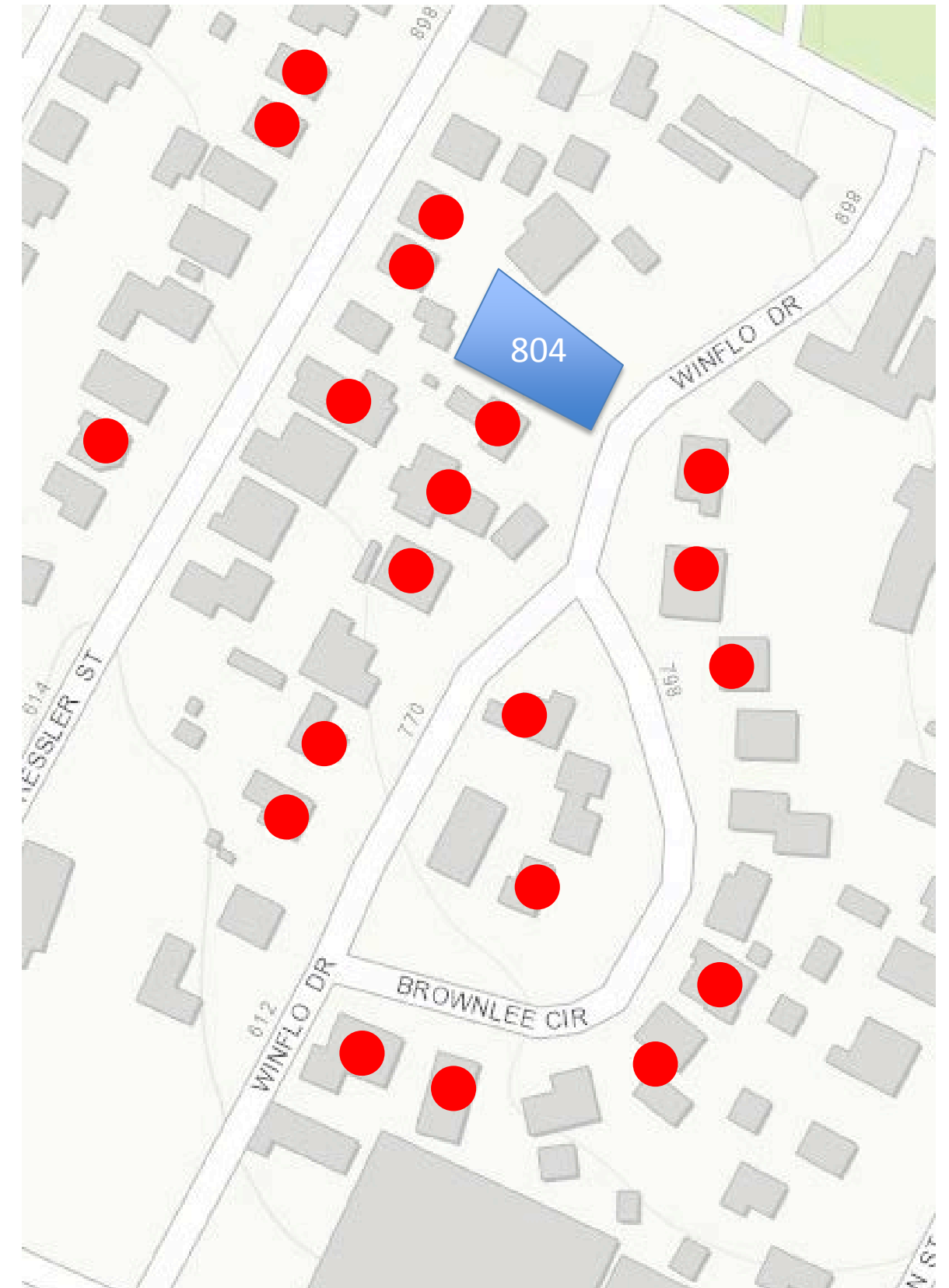
Thank you for your help.

— Ellen Justice



LETTERS/MESSAGES FROM THESE OWNERS ARE OPPOSED TO THE VARIANCE FOR 804 WINFLO DRIVE

- 1.802 Winflo Drive - Ellen Justice and Eric Leibrock - Interested Party
- 2.800 Winflo Drive - Mike Banghart - Interested Party
- 3.803 Winflo Drive - Mike Banghart
- 4.700 Winflo Drive - Bret Strauss
- 5.702 Winflo Drive - James Robbins
- 6.716 Brownlee Circle - Gerald and Kim Harter
- 7.702 Brownlee Circle - Mary Blackley
- 8.701 Brownlee Circle - Clark and Angie Bickley
- 9.707 Brownlee Circle - Gabriel and Elizabeth Krajicek
- 10.709 Brownlee Circle - Nancy Garrett
- 11.717 Brownlee Circle - Chris Schorre and Julie Paasche – Interested Party
- 12.804 Pressler Street - Perry Heitman and Todd Canon
- 13.807 Pressler Street - Brian Birzer
- 14.801 Winflo Drive - Ginger Ellen Scott
- 15.1301 West 9 1/2 Street - Peggy Pickle - Interested Party
- 16.809 Pressler Street, Sisto Ramirez
- 17.703 Brownlee Circle, Kim Overton
- 18.802 Pressler Street, Pedro Pablo Elizondo
- 19.706 Winflo Drive, Jay Bunda
- 20.703 Pressler Street, Jessica Hymowitz (Wassenaar)
- 21.812 Winflo Drive, #C Kaysee Goodell
- 22.700 Pressler Street, Denise Younger



CASE: SP-2016-0329C

804 Winflo Drive

Summary

- 804 Winflo is 650+ square feet under minimum limit for MF zoning.
- Allowing 804 Winflo to be developed as multifamily will set precedent and allow other nonconforming properties to be developed as multifamily.
- Neighbors don't want multifamily development to encroach further into core of neighborhood from north and south.
- More impervious cover contributes to "heat island" effect. Less greenery negatively affects character of neighborhood and promotes flooding.
- OWANA plan does not recommend multifamily use for this section of our neighborhood.

